

EXHIBIT

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 09-11705-NG

)
JONATHAN GREEN)
)
v.)
)
CITY OF BOSTON; EDWARD DAVIS,)
in his capacity as Chief of the Boston Police Department;)
Timothy McCARTHY, individually and in his official)
Capacity as Employee, Agent, and/or Officer of the Boston)
Police Department)
)

**PLAINTIFF'S ANSWERS TO FIRST SET OF INTERROGATORIES PROPOUNDED BY THE
DEFENDANT, TIMOTHY McCARTHY**

Pursuant to Mass.R.Civ.P. 33, the Plaintiff, Jonathan Green, responds as follows to the interrogatories propounded by the Defendant, Timothy McCarthy as follows:

GENERAL OBJECTIONS

- I. Plaintiff objects to any interrogatory insofar as it seeks materials or information covered by one or more of the following:
 - (a) attorney-client privilege;
 - (b) attorney's work product and mental impressions of the attorney;
 - (c) materials prepared in anticipation of or for litigation; and
 - (d) materials prepared for, at the request of, or by an expert.
- II. Plaintiff objects to any interrogatory which is burdensome, oppressive, seeks information which is already known by the party, or which is not calculated to lead to the discovery of admissible evidence.
- III. Plaintiff objects to any interrogatory which seeks the home address, telephone number of any employee, representative, or agent of Plaintiff, and Plaintiff will

not reveal such information for fear of violating the privacy of such persons who are not parties to this litigation.

The General Objections shall apply to all requests, whether or not any reference is made to such objects in Plaintiff's response.

INTERROGATORIES

INTERROGATORY NO. 1: Please State your full name (first, middle and last), home and business addresses, home, business and cell phone numbers, social security number, date of birth, whether married or single, and if married the name of your spouse and all contact information, and the full names of all individuals residing with you at the time of the alleged incident and presently.

ANSWER: **Jonathan D. Green, 70 Saint Botolph Street # 809, Boston, MA 02116. (617) 236-1449, 019-52-0955, 3/16/65, Single, Reside Alone, Town of Brookline, MA 02445, (617) 713-5434, Debra Cohen.**

INTERROGATORY NO. 2: State the full names (first, middle and last), home and business addresses, home, business and cell phone numbers and other contact information of each and every witness to the incident and the scope of their knowledge as to the incident and/or your claims.

ANSWER: **Hyacinth Juste, 5985 Halleck Blvd, Fort Belvoir, VA 22060, (703) 781-3457. She witnessed the incident that occurred on the corner of the intersection of St. Botolph Street and W. Newton Street near the 7/11 convenience store.**

INTERROGATORY NO. 3: State the full names (first, middle and last), home and business addresses, home, business and cell phone numbers and other contact information of each and every witness you intend to call at trial and their expected testimony.

ANSWER: **Hyacinth Juste, 5985 Halleck Blvd, Fort Belvoir, VA 22060, (703) 781-3457. Expected testimony, please refer to statement:**

“My name is Hyacinth Juste, and I witnessed the incident that occurred on the corner at the intersection of St. Botolph and W. Newton Street near the 7/11 convenience store. At or about 4:30 or 5:00 p.m. on May 7, 2007. I was walking up St. Botolph Street and reached the intersection of W. Newton Street and immediately noticed a white male and Jonathan almost out in the middle of the street. The white male was holding onto his arm and grabbing on him. I could hear Jonathan saying “why did you grab and assault me?” It looked like he was trying to walk away from the white male who was trying

to twist his arm behind him. I then noticed a police car to the right of me parked on W. Newton Street.

Two police officers got out of the car and walked into the street, and started helping the white male who still had Jonathan's arm. They were trying to get his arms behind his back. Jonathan was still saying "why did you grab and assault me?" Somehow, they got him over to the police car and the officers along with the white male were still trying to get Jonathan's arms behind his back.

The front of his body was at the back door of the police car. The officers and the white male finally got his arms behind his back and put the handcuffs on him. When the handcuffs were on him, the white male, who was in the street, holding onto Jonathan's arms, and grabbing at him, grabbed his shirt collar from behind and slammed his head and face on the roof of the car. Jonathan stated to the individuals around him "I'm in handcuffs, and you grab me from behind and slam my head and face on the car assaulting me again." They put him in the back of the police car and drove away."

INTERROGATORY NO. 4: Please set forth in full and complete details all events that occurred on May 7, 2007, at or around 4:30 p.m. leading up to your arrest.

ANSWER: On May 7, 2007 between 4:30 and 5:00 p.m., I, Jonathan Green, entered the 7/11 Convenience Store at the corner of St. Botolph and West Newton Streets to purchase some items. I observed a clerk or manager following some young teenage boys around the store. When the boys approached the counter to pay for their items, I began to address them.

I asked the boys: Why would they spend their money in a store where they were watched and followed around? My conversation with the boys was suddenly interrupted by a white male who was standing on my left side. He asked why was I concerned about what was taking place. I turned around and replied that the conversation had nothing to do with him and that I was talking to the boys. This unidentified person interrupted my conversation a second time. I told him again that he was interrupting my conversation with the boys and that I was not preventing him from stepping to the counter to take care of his business. At this point, he opened his civilian shirt, exposing his uniform and badge and identified himself as a police officer. He then went to the counter and paid for his items.

Thereafter, he turned to me and asked if I was purchasing any items. I replied that I was not going to buy anything from any store where personnel followed kids around like they were going to steal something. The officer then asked me to leave the store. I told him that I had no problem leaving and exited the store.

When I got outside, I stepped off the sidewalk into the street and began to make a cell phone call. While I was on the phone, I noticed the officer coming out of the 7/11 and asked him for his name and the department out of which he worked. He said his name was Tim McCarthy and that he worked out of D-4.

I stepped back on the sidewalk to organize all the stuff I was carrying – keys, phone bottle, and a over the shoulder gym bag. As I did this, I was bent over a bit. The officer took a few steps toward me and told me to start walking and to leave the area.

When he began walking toward me, I was unsure of his intentions, I straightened my posture to watch him. My bottle slipped out of my hand and broke on the ground. I told the officer that I lived in the neighborhood on Botolph Street and pointed in that direction. As I was about to walk across West Newton Street to go home, the officer grabbed my white sports jersey from behind my back. I turned and asked: “Why did you grab and assault me?” I tried to walk away, but he again grabbed my lower right arm which was by my side. I repeated my question: “Why are you grabbing and continuing to assault me?” The officer replied that he did not give me permission to leave. He said “You are being detained, now give me some identification.”

I told the officer that I was not going to give him identification. He then said “I’m placing you under arrest”. He never let go of my arm or wrist. He was trying to twist my arm behind my back, but I kept turning in a circle to prevent him from subduing and hurting me. I kept asking him: “Why are you doing this?”

As I was circling, I saw a patrol car coming down St. Botolph Street. The police car stopped in the middle of the intersection of St. Botolph and West Newton Street. Officer McCarthy was still holding my arm, trying to twist my arm behind my back. All the while, I kept saying: “You have no right to grab and assault me.”

The struggle went on for a while before three officers moved me to the patrol car. My chest was up against the back door of the car, my face was over the roof. The officers were still struggling to get my arms and hands behind my back to place me under arrest.

Once I was finally cuffed. Officer McCarthy grabbed the collar of my jersey from behind and slammed my head and face on the car. Then I said to Officer McCarthy: “You see I’m in handcuffs and yet you grab me by my jersey from behind and slam my head and face on the car, assaulting me yet again. “I asked the female officer is that was necessary and she said “no”.

At no time did I square off with Officer McCarthy or go toe-to-toe with him. I did not use my hand to push or shove anyone at any time. I did not put a hand on Officer McCarthy or the other two officers.

While in the 7/11 store, I spoke to two teenage boys and Officer McCarthy. I did not address or confront any employee of the 7/11 store.

INTERROGATORY NO. 5: Please set forth in full and complete details all verbal communications you had with McCarthy and/or any other Boston Police officer on May 7, 2007.

ANSWER: Please see answer to interrogatory number 4.

INTERROGATORY NO. 6: Please set forth in full and complete details all communications you had with the employees of the 7-11 located at 252 West Newton Street, Boston, on May 7, 2007.

ANSWER: I did not speak with or have any communication with the 7-11 employees.

INTERROGATORY NO. 7: Please set forth in full and complete details all of your actions towards McCarthy and the other Boston Police Officers you encountered on May 7, 2007, including in you answer all actions of resistance taken by you whether verbal or physical.

ANSWER: I am not sure how to answer this question, because it seems to make an unwarranted implication that I was verbally or physically resisting the officer. Resisting what? He asked me to leave the store, and I left. I requested his name and department he worked out of. Would you consider that to be "verbal resistance"? I will refer you to the interrogatory answer given in #4, and will leave up to the reader to make their own conclusions about how to perceive my statements and actions.

INTERROGATORY NO. 8: Please set forth in full and complete details all facts upon which you rely in alleging that McCarthy used excessive force to restrain and/or handcuff you on May 7, 2007.

ANSWER: I refer you to the answer to interrogatory number 4.

INTERROGATORY NO. 9: Please set forth in full and complete details all facts upon which you allege show the actions of McCarthy on May 7, 2007, were extreme and outrageous to such an extent that they caused you severe emotional and physical distress.

ANSWER: Officer McCarthy's assault against me from behind constituted and caused a "Severe" right shoulder injury that requires surgery. I also sustained a right eye injury after I was placed in handcuffs he grabbed my shirt collar from behind and slammed my head and face on the roof of the police car. Such behavior was extreme and outrageous to be committed by a Boston Police Officer against one of its citizens. The actions of Officer McCarthy caused me "severe" mental and emotional distress, humiliation, embarrassment and anguish. The officer's extreme and outrageous behavior denied me the right to free speech, as well as the right to public assembly. The officer's extreme and outrageous behavior was intended to harass, intimidate, provoke, and escalate. Officer McCarthy posed an immediate threat to my health, welfare, safety, and liberty.

INTERROGATORY NO. 10: Please set forth in full and complete details the injuries allegedly caused by McCarthy's extreme and outrageous conduct. Specifically detailing everything that happened to you that you claim constitutes "severe emotional and physical distress" as alleged in your Complaint.

ANSWER: See answer to interrogatory number 9.

INTERROGATORY NO. 11: Please set forth in full and complete details all facts upon which you rely and which you claim show McCarthy assaulted and battered you on May 7, 2007.

ANSWER: See answer to interrogatory number 4.

INTERROGATORY NO. 12: Please set forth in full and complete detail all facts upon which you rely and which you claim show McCarthy threatened, intimidated, and coerced you.

ANSWER: See answer to interrogatory number 4.

INTERROGATORY NO. 13: Please set forth in full and complete detail the facts you claim show the City negligently hired, trained, supervised, and assigned Defendant Timothy McCarthy thereby allegedly breaching its duty pursuant to G. L. c. 258, § 4.

ANSWER: See answer to interrogatory number 4.

INTERROGATORY NO. 14: Please set forth in full and complete details how you suffered injuries in violation of G. L. c. 12, § 11I as alleged in your Complaint.

ANSWER: See answer to interrogatory number 4.

INTERROGATORY NO. 15: Please set forth in full and complete details which facts you claim show McCarthy acted with malice or with reckless disregard to your rights.

ANSWER: See answer to interrogatory number 4.

INTERROGATORY NO. 16: Please identify with specificity, all facts upon which you rely in all facts upon which you rely in alleging that McCarthy interfered with your right to be secured in person.

ANSWER: See answer to interrogatory number 4.

INTERROGATORY NO. 17: Please identify with specificity all threats, means of intimidation, and means of coercion which you allege McCarthy engaged in toward you.

ANSWER: See answer to interrogatory number 4.

INTERROGATORY NO. 18: Please identify the constitutional right, United States and/or Massachusetts, which you allege McCarthy interfered with, including in your answer a description of how McCarthy interfered with said right.

ANSWER: See General Objection I.

INTERROGATORY NO. 19: Please list and identify all persons whom you intend to call as an expert witness at trial, stating as to each such expert witness:

- a. The substance of the facts and opinions to which each expert is expected to testify; and
- b. A summary of the grounds for each opinion of each such expert.

ANSWER: See General Objection I.

Without waiving said objection, but expressly relying upon and preserving the same, the Plaintiff states:

I have not, as of yet, made any determinations as to any experts that I may call in the trial of this case.

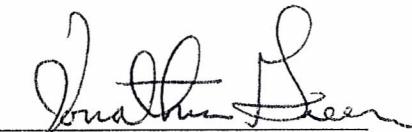
Objections by:



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Dated: December 7th, 2010

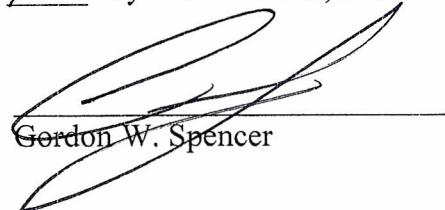
Signed under the pain
and penalties of perjury
on this 30 day of November 2010.


JONATHAN GREEN

CERTIFICATE OF SERVICE

I, Gordon W. Spencer, attorney for the above named plaintiff, hereby certify that on the date below the foregoing document was served upon counsel of record via first-class mail, postage pre-paid.

Signed under the pains and penalties of perjury this 7th day of November, 2010.


Gordon W. Spencer